

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff,  v.  WILMINGTON SAVINGS FUND SOCIETY FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant.	Civil Action No. 18-11924-FDS
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**MOTION OF WILMINGTON SAVINGS TO DISMISS AMENDED COMPLAINT**

IN HIS FIRST AMENDED COMPLAINT, Matthew Vanderhoop (the “Plaintiff”) fails to offer this Court any coherent claim that would call into question the foreclosure of Plaintiff’s mortgage. Plaintiff fails to offer a *prima facie* case for any of his claims, notwithstanding the fact that most of his “claims” are indistinguishable, between one (1) and two (2) sentences long, repeat and overlap. Meanwhile, Plaintiff has received multiple opportunities to modify his loan, a loan that is now 10 years in arrears. Further, case law makes clear that Plaintiff lacks standing to challenge the chain of title for his mortgage. For these reasons, Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT (“Wilmington Savings”) moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss Plaintiff’s complaint. In support of this motion, Wilmington Savings submits contemporaneously herewith their Memorandum of Law in Support of Motion of Wilmington Savings to Dismiss Amended Complaint.

WHEREFORE, Wilmington Savings respectfully requests that this Court enter an order:

1. Dismissing Plaintiff's claim for breach of contract as to Wilmington Savings;
2. Dismissing Plaintiff's claim for misrepresentation as to Wilmington Savings;
3. Dismissing Plaintiff's claim for violation of Ch. 93A as to Wilmington Savings;
4. Dismissing the G.L. c 244, § 35B claim as to Wilmington Savings;
5. Denying Plaintiff's request for a Temporary Restraining Order;
6. Denying Plaintiff's request for a Preliminary Injunction;
7. Denying Plaintiff's request for a Permanent Injunction; and
8. Granting Wilmington Savings such other and further relief as is just and proper.

Respectfully submitted,

WILMINGTON SAVINGS FUND SOCIETY  
FSB, D/B/A CHRISTIANA TRUST, NOT IN  
ITS INDIVIDUAL CAPACITY, BUT  
SOLELY AS TRUSTEE FOR BCAT 2014-  
10TT,

By its attorneys,

/s/ Aaron A. Fredericks, Esq.

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DATE: December 11, 2018

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**CERTIFICATE OF SERVICE**

I, Aaron A. Fredericks, Esq. of Sassoon & Cymrot, LLP, hereby certify that I have this 11th day of December 2018 served on behalf of Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT this Motion of Wilmington Savings to Dismiss Amended Complaint and this Certificate of Service by causing copies hereof to be sent by electronic mail via the electronic court filing system (ECF) and by first-class U.S. mail (M) to all parties not appearing electronically but entitled to service per the Federal Rules of Civil Procedure.

Deborrah M. Dorman, Esq.  
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PO Box 944  
Tisbury, MA 02568 (ECF)

/s/ Aaron A. Fredericks  
Aaron A. Fredericks, Esq.